

A RESOLUTION

**02- -0446**

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$4,264.50 IN SETTLEMENT OF THE CLAIM  
OF MICHAEL WILSON, AGAINST THE CITY OF  
ATLANTA**

**WHEREAS, MICHAEL WILSON** has filed a claim against the City of Atlanta seeking damages arising out of vehicular damages sustained when he drove his motor vehicle over a improperly secured and unmarked excavation site in the roadway; and

**WHEREAS**, on December 15, 2001 the claimant was proceeding to drive on a normal course of roadway on Pollard Boulevard, SW, and drove over several metal plates covering broken City sewer pipes without proper signs erected warning that a hazard existed; and

**WHEREAS**, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS**, the claimant has asserted damages in the amount of **\$4,264.50** and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of **MICHAEL WILSON** be settled for the sum of **\$4,264.50**.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that **\$4,264.50** be paid by the City of Atlanta in satisfaction of any and all claims **MICHAEL WILSON** may have stemming from vehicle damages sustained by him on or about December 15, 2001 on Pollard Boulevard, SW.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 2J01/529017/T31001.